

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

WILLIAM T. WEBSTER,

Plaintiffs,

vs.

VRG MANAGEMENT SERVICES,
INC., *et al.*,

Defendant,

2:06-cv-0598-RJJ

REPORT & RECOMMENDATION
OF UNITED STATES
MAGISTRATE JUDGE

This matter is before the undersigned Magistrate Judge regarding the status of this case.

The Court having reviewed the file herein, makes the following findings:

1. On May 18, 2006, Plaintiff, William T. Webster, filed a Motion for Leave to Proceed *In Forma Pauperis* (#1) with a civil rights complaint attached thereto.
2. On July 6, 2006, the Court granted Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (#1) and ordered the Clerk to file the Complaint and issue summons on the named defendants. Order (#4).
3. On August 29, 2006, Defendants filed an Answer (#14).
4. On March 20, 2007, after almost seven months of no activity in the case, the Court ordered the Plaintiff to file a status report. Order (#15).
5. On April 3, 2007, Plaintiff filed a Status Report (#16) and Court subsequently scheduled a status hearing for June 14, 2007. Order (#18).
6. At the hearing held June 14, 2007, the Court canvassed the Plaintiff regarding the status of the case and ordered Plaintiff to file a joint, proposed scheduling order and discovery plan by July 10, 2007. Minutes of Proceedings (#20).

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2 7. Plaintiff has not filed a proposed scheduling order and discovery plan.

3 8. On June 26, 2007, Plaintiff filed a Motion for Copy of Transcript (#21).

4 9. On November 28, 2007, the Court denied Plaintiff's Motion for Copy of
5 Transcript (#21) and further, advised the Plaintiff that he was required to pay for a
6 copy of the transcript which could be obtained through the Clerk's Office. Order
7 (#22).

8 10. On January 4, 2008, the Court issued an Order to Show Cause (#23) scheduling a
9 hearing for January 23, 2008. The Order (#23) was served on the Plaintiff by
10 certified mail. Certified Mail Receipt (#24).

11 11. Plaintiff, William T. Webster signed for the certified mail on January 17, 2008.
12 Certified mail return card (#25).

13 12. Plaintiff, William T. Webster, did not appear in Court for the Show Cause hearing
14 on January 23, 2008, nor has he contacted the court with a reason for his non-
15 appearance.

16 13. Plaintiff has taken no action in this case since June 26, 2007, and appears to have
17 abandoned this case.

18 Good cause appearing therefore,

19 **RECOMMENDATION**

20 IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be
21 dismissed with prejudice for want of prosecution.

22 **NOTICE**

23 Pursuant to Local Rule IB 3-2 [former LR 510-2] **any objection to this Report and**
24 **Recommendation must be in writing and filed with the Clerk of the Court on or before**
25 **March 18, 2008.** The Supreme Court has held that the courts of appeal may determine that an
26 appeal has been waived due to the failure to file objections within the specified time. Thomas v.
27 Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This Circuit has also held that (1)
28 failure to file objections within the specified time and (2) failure to properly address and brief the
objectionable issues waives the right to appeal the District Court's order and/or appeal factual

1 issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991); Britt
2 v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

3 DATED this 5TH day of March, 2008.

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7 ROBERT J. JOHNSTON
United States Magistrate Judge
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